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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,156	08/31/2000	Vishnu K. Agarwal	MI22-1518	4650

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EXAMINER

HUYNH, YENNHB

ART UNIT

PAPER NUMBER

2813

DATE MAILED: 12/05/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/653,156	AGARWAL ET AL.	
	Examiner	Art Unit	
	Yennhu B. Huynh	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 August 2000.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) 16-26 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5 & 6. 6) Other: _____.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-15, drawn to method of fabricating a capacitor, classified in class 438, subclass 239.
- II. Claims 16-26, drawn to device of a capacitor, classified in class 257, subclass 300+.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the polysilicon layer from bottom of the opening can be removed after forming the HSG layer.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Jame Lake on 10/31/01 a provisional election was made without traverse to prosecute the invention of I, claims 1-15. Affirmation of this election must be made by applicant in replying to this Office action. Claims 16-26 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Method of Fabricating of A Capacitor.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1,3-8 &10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by

Chi. (6174770 B1)

Chi at figs. 1-5 in related text col.1-4 disclose a method for making a DRAM capacitor, which is included steps of forming an opening 113 in an insulative layer 111 over a substrate; the opening having side and bottom (fig.1); forming a polysilicon layer 201 over the side and bottom of opening 113; removing the polysilicon layer 201 to the bottom of the opening (col. 1, 3); converting at least some of the polysilicon layer 201 to HSG (col.3, fig. 2); conformally forming a first capacitor electrode 301 on the converted

polysilicon (col.1), the first electrode being sufficiently thin that the first electrode having an inner surface area per unit area and an outer surface area per unit area that are both greater than an outer surface are per unit area of the substrate ((fig.4, col.3); forming a capacitor dielectric 401 on the first electrode and a second capacitor electrode 403 over the dielectric layer.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,9 & 14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chi in view of Rhodes et al. *6291289*

Chi at figs. 1-5 and text on col. 1-4 discloses all features of claimed invention, except the use of TiN instead of polysilicon for bottom electrode, and the capacitor dielectric layer comprises of Ta₂O₅, ZrO₂, WO₃, Al₂O₃ HfO₂, barium strontium titanate, or strontium titanate, instead of nitride or oxide.

Rhodes et. al. at figs. 1-7 in related text col. 1-6 disclose the formation of either TiN or polysilicon for bottom electrode and capacitor dielectric material selected from the group of either Si₃N₄, SiO₂ or Ta₂O₅, BST and other dielectric materials can be used (col.3, next to the last paragraph).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have replaced dielectric layer of nitride or oxide and bottom

electrode of polysilicon from Chi with Ta₂O₅, BST and other dielectric materials; and TiN for bottom electrode, since the substitution of art recognized equivalence as suggested by Rhodes et al. would be within level of those skilled in the art.

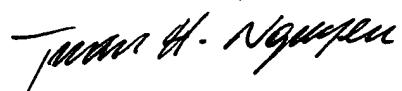
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yennhu Huynh whose telephone number is (703)308-6110. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4.30PM.

If attempts to reach the examiner by telephone are unsuccessfully, the examiner's supervisor, Charles Bowers, can be reached on (703) 308-2417. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

YNBH
11/20/01



Tuan H. Nguyen
Primary Examiner